

PRICE OKAMOTO HIMENO & LUM

WARREN PRICE III 1212

ROBERT A. MARKS 2163

707 Richards Street, Suite 728

Honolulu, Hawaii 96813

Phone: 808.538.1113

Fax: 808.533.0549

e-mail: ram@pohlhawaii.com

GELBER GELBER INGERSOLL & KLEVANSKY

SIMON KLEVANSKY 3217-0

ALIKA L. PIPER 6949-0

CARISA LIMA KA'ALA HEE 7372-0

Suite 1400, Fort Street Tower

745 Fort Street

Honolulu, Hawaii 96813

Phone: (808) 524-0155

Fax: (808) 531-6963

E-mail: sklevansky@ggik.com

apiper@ggik.com;

kaalahee@ggik.com

Attorneys for Defendants, Counterclaimants  
and Third-Party Plaintiffs KG HOLDINGS, LLC,  
KIAHUNA GOLF CLUB, LLC, KG KAUAI  
DEVELOPMENT, LLC, PUKALANI GOLF  
CLUB, LLC, KG MAUI DEVELOPMENT, LLC,  
MILILANI GOLF CLUB, LLC, QK HOTEL, LLC,  
and OR HOTEL, LLC ("KG PARTIES")

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

SPORTS SHINKO CO., LTD.,

Plaintiff,

vs.

QK HOTEL, LLC, et al.,

Defendants,

and

CV 04-00124 ACK-BMK

CV 04-00125 ACK-BMK

CV 04-00126 ACK-BMK

CV 04-00127 ACK-BMK

CV 04-00128 ACK-BMK

CONSOLIDATED CASES

KG PARTIES' MOTION TO  
COMPEL DISCOVERY

FRANKLIN K. MUKAI, et al.,  
Third-Party Plaintiffs,  
vs.  
SPORTS SHINKO (USA) CO., LTD.,  
et al.,  
Third-Party Defendants,  
and  
SPORTS SHINKO (HAWAII) CO.,  
LTD., et al.,  
Third-Party Defendants/  
Counterclaimants,  
vs.  
QK HOTEL, LLC, et al.,  
Third-Party Counterclaim  
Defendants.

AND CONSOLIDATED CASES

MEMORANDUM IN SUPPORT  
OF MOTION; LR 37.1(b)  
CERTIFICATE OF COMPLIANCE;  
DECLARATION OF ROBERT A.  
MARKS; EXHIBITS 1 - 11;  
CERTIFICATE OF SERVICE

**KG PARTIES' MOTION TO COMPEL DISCOVERY**

Defendants, Counterclaimants and Third-Party Plaintiffs KG Holdings,  
LLC, QK Hotel, LLC, OR Hotel, LLC, Pukalani Golf Club, LLC, KG Maui  
Development, LLC, Mililani Golf Club, LLC, Kiahuna Golf Club, LLC and KG  
Kauai Development, LLC (“KG Parties”) hereby move this Honorable Court for an  
order compelling the Sports Shinko (USA) Co., Ltd. and Sports Shinko Co., Ltd. to  
respond to certain discovery requests relating to the proof of plaintiffs’ status as  
creditors as they allege in the complaints herein.

This Motion is made pursuant to Rules 37(a)(2)(A) and 37(a)(3) of the  
Federal Rules of Civil Procedure and Rule 37.1 of the Local Rules of the United

States District Court for the District of Hawaii, and is supported by the attached memorandum and exhibits and the record herein.

While the KG Parties may be entitled to recover their expenses and attorneys' fees incurred in connection with this Motion, they waive that relief, provided the KG Parties reserve all rights and remedies in connection with any subsequent motions under Rule 37 that may hereafter be filed.

DATED: Honolulu, Hawaii, April 5, 2007.

/s/ Robert A. Marks  
\_\_\_\_\_  
WARREN PRICE III  
ROBERT A. MARKS  
SIMON KLEVANSKY  
ALIKA L. PIPER  
CARISA LIMA KA'ALA HEE

Attorneys for Defendants, Counterclaimants and Third-Party Plaintiffs KG Holdings, LLC, QK Hotel, LLC, OR Hotel, LLC, Pukalani Golf Club, LLC, KG Maui Development, LLC, Mililani Golf Club, LLC, Kiahuna Golf Club, LLC and KG Kauai Development, LLC